

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO: 5:97-CR-00153-1BR

UNITED STATES OF AMERICA

v.

DON ANTONIO FLOURNOY

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ORDER

This matter is before the court on various filings related to defendant's payment of restitution.

By way of background, after the Fourth Circuit Court of Appeals remanded this case and on defendant's resentencing, the court ordered defendant to pay restitution in the total amount of \$5,897.64. (DE # 31.) In his 10 July 2018 letter to the court, defendant states that he has made payments of more than \$3,000. (DE # 74.) He requests that the court set his restitution payments at \$100.54 per month and give him credit for the payments he has made to date. (Id.) In response, the government states it does not object to the payment schedule defendant proposes, provided it is not prohibited from pursuing discovery under 28 U.S.C. § 3015, from requesting a modification of the minimum payment schedule, or from taking any collection action allowed by law to satisfy any balance owed. (DE # 76.) In his 29 August 2018 filing, defendant again requests that the court enter a payment schedule for restitution in the amount of \$100.54 per month. (DE # 77.)

According to information provided by the court's Financial Services section, the current balance remaining on the restitution defendant owes is \$2,561.16. Therefore, defendant has received credit for the payments he has made. Because defendant requests the court to order a payment schedule, and the government does not oppose it, the court will order that restitution be paid in installments.

To the extent any of defendant's filings are deemed motions, they are ALLOWED. It is hereby ORDERED that beginning immediately defendant shall pay \$100.54 per month towards restitution. This schedule is without prejudice to the government's rights noted previously or the probation office's right to request modification of this payment schedule.

This 2 October 2018.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt
Senior U.S. District Judge